

# Colburn 17



September 13, 2007

**VIA ELECTRONIC AND FIRST CLASS MAIL**

Mr. John Cleeves  
4931 Broad River Road  
Columbia, SC 29212-3530

Email: [comments-southern-francismarion-sumter@fs.fed.us](mailto:comments-southern-francismarion-sumter@fs.fed.us)

Re: August 24, 2007 "NEPA Scoping Package"  
File Code 1920-2  
Upper Chattooga River Management

Dear Mr. Cleeves:

On August 14, 2007, the United States Forest Service ("USFS") published a scoping letter containing a package of proposed management alternatives ("USFS Alternatives") relating to the Chattooga Wild and Scenic River above Highway 28 ("Headwaters"). American Whitewater's comments to the USFS Alternatives and scoping letter are enclosed herewith.

Thank you for considering these comments.

Sincerely,

A handwritten signature in blue ink, appearing to read "K. Colburn", written in a cursive style.

Kevin Colburn  
National Stewardship Director  
American Whitewater  
1035 Van Buren St.  
Missoula, MT 59802  
406-543-1802  
[Kevin@amwhitewater.org](mailto:Kevin@amwhitewater.org)

cc: Mark Singleton, AW  
Don Kinser, AW  
Charlene Coleman, AW  
Brian Jacobson, AW  
Nathan Galbreath, Patton Boggs  
Chuck Myers, USFS

**COMMENTS OF AMERICAN WHITEWATER  
TO  
UPPER CHATTOOGA NEPA SCOPING PACKAGE,  
AND PROPOSAL OF REVISED MANAGEMENT ALTERNATIVES**

Prepared by:

Kevin Colburn  
American Whitewater  
National Stewardship Director  
1035 Van Buren St.  
Missoula, MT 59802  
406-543-1802  
Kevin@amwhitewater.org

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## TABLE OF CONTENTS

I. Brief Background.....	1
A. Pre-Administrative Appeal .....	1
B. Administrative Appeal .....	2
C. Post-Administrative Appeal.....	2
D. USFS Alternatives .....	4
II. Critique of Proposed USFS Alternatives .....	4
A. Problems Associated with all USFS Alternatives.....	4
1. All alternatives must protect and enhance whitewater boating .....	4
2. Alternatives should recognize high use frontcountry areas and low use backcountry areas as different .....	5
3. Alternatives must include a range of use limits for all users .....	8
4. Alternatives must be based on a capacity for all users and/or individual uses .....	8
5. Alternatives must include indirect limits prior to direct limits .....	8
6. Alternatives, to the extent they address angling, must address stocking .....	8
7. Alternatives should consider impacts of management decisions on recreationists, equally with impacts those recreationists may have on one another.....	9
B. Problems Associated with Specific USFS Alternatives.....	9
1. Deficiencies in USFS Alternative #1 (No-action alternative) .....	9
2. Deficiencies in USFS Alternative #2 .....	12
3. Deficiencies in USFS Alternative #3 .....	14
4. Deficiencies in USFS Alternative #4 .....	17
5. Deficiencies in USFS Alternative #5 .....	20
6. Deficiencies in USFS Alternative #6 .....	23
C. Deficiencies in the Scoping Document Generally .....	25
III. American Whitewater's Proposal .....	26
A. American Whitewater's Proposed Alternatives Related to Recreational Use .....	27
1. Nationally Consistent River Management Alternative #1 ( <b>high encounter standard</b> ).....	27
2. Nationally Consistent River Management Alternative #2 ( <b>moderate encounter standard</b> ).....	28
3. Nationally Consistent River Management Alternative #3 ( <b>low encounter standard</b> ).....	30
B. Basis for USFS Inclusion of American Whitewater's Proposed Alternatives:.....	31
IV. Other Important Management Issues and Proposed Alternatives .....	32
A. Fish Stocking: .....	32
B. User Created Trails: .....	32

C. In-stream Wood Management: .....32

D. Parking .....33

E. Private Land Corridor .....33

V. Conclusions.....34

**Exhibits**

- Exhibit 1:      Special Boating Permit System Available If Capacity Ever Exceeded
- Exhibit 2:      Additional Resources to Consider in Formulation of Final USFS  
Proposed Alternatives
- Exhibit 3:      Managing Wood in Rivers, a synopsis of a talk given in May, 2007 at the  
River Management Society Interagency Conference.

## I. Brief Background

### A. Pre-Administrative Appeal

Critical to formulation and evaluation of these alternatives is the fact that the portion of the Chattooga River north of Highway 28 (the “Headwaters”) is part of the federally protected Wild and Scenic River System. The Headwaters was protected in 1974 expressly because it provides unique and outstandingly remarkable opportunities for whitewater recreation. In fact, the Congressional Wild and Scenic River study even found that the best way to see and experience the Headwaters is “from a boat,” and labeled Grimshawes Bridge as “the beginning of rafting water.” See figure 1.

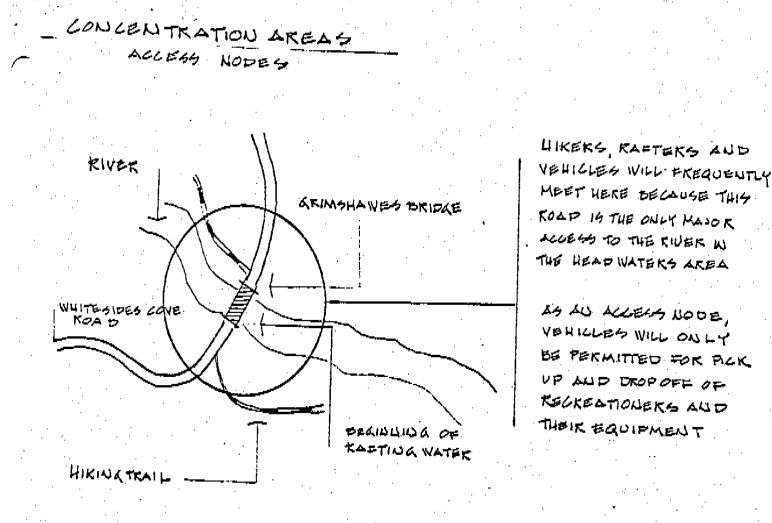


Figure 1 – USFS WSR Report: Grimshawes Bridge, “Beginning of Rafting Water”

Because whitewater boating was among the “Outstandingly Remarkable Values” that caused the Headwaters to be included in the Wild and Scenic Rivers System, federal law requires this administrative agency to “protect and enhance” hand-powered floating on the Headwaters.

Nevertheless, in 1976 and 1985 the United States Forest Service (“USFS”) inexplicably banned all whitewater boating on the Chattooga Headwaters.<sup>1</sup> Before the USFS banned paddling on the Headwaters in 1976, hand-powered floating had occurred without limitation on the Chattooga Wild and Scenic River for more than 200 years. The reason for the 1976 and 1985 bans remains a mystery. The USFS itself recently attempted to uncover the basis for the 1976 and 1985 bans. However that attempt was unsuccessful because the historical records “failed to provide data or analysis.”<sup>2</sup>

On January 30, 2004, Bob Jacobs, in his capacity as Regional Forester for the USFS’s Region Eight (Southern Region), published a *Record of Decision, Final Environmental Impact*

<sup>1</sup> Ironically, just six years earlier, adjacent landowners and the USFS had launched in canoes to study the suitability of the Chattooga River for protection under the Wild and Scenic Rivers Act.

<sup>2</sup> From “Capacity and Conflict on the Upper Chattooga River” 2007, page 16.

*Statement and Revised Land and Resource Management Plan for the Sumter National Forest* (the “ROD”). Over the written objections of American Whitewater and more than 1000 private whitewater boaters, the ROD re-instituted a total ban on all canoeing, kayaking and rafting on the Headwaters—including the portion of the Headwaters flowing through the Ellicott Rock Wilderness, a spectacular natural wilderness that is also protected under the Wilderness Act for wilderness compliant uses like hand-powered floating.

## **B. Administrative Appeal**

On April 15, 2004, American Whitewater administratively appealed a discrete portion of the ROD, known as “Issue 13,” which prohibited boating on the Headwaters.

On April 28, 2005, Gloria Manning, as Reviewing Officer for the Chief of the USFS, issued an administrative appeal decision favorable to American Whitewater. Reasoning that the ROD had demonstrated *no basis* for the floating ban, the administrative appeal decision “reversed” the discrete portion of the ROD that banned floating on the Headwaters, and ordered the USFS to conduct a “user capacity analysis” on the Headwaters. The decision further ordered the Regional Forester to include whitewater boating in the study, and to issue a new ROD within two years.

## **C. Post-Administrative Appeal**

In an effort to comply with the order to conduct a “user capacity analysis,” the USFS hired several outside consultants to conduct various analyses of the Headwaters corridor. Confusingly, the bulk of these “user capacity analysis” efforts have focused on issues other than whitewater boating, despite the limited focus of American Whitewater’s appeal. For example, the USFS has expanded the scope of its analysis to include a variety of issues related to the Headwaters corridor generally, such as the location and condition of official and user-created trails and campsites, trash, parking, angling studies, woody debris and other general management issues.

In addition, a portion of the “user capacity analysis” focused on a perceived “conflict” between boaters and anglers despite the fact that the relevant USFS studies found no empirical evidence of any such conflict. Instead of simply restoring floating access for two or more years to determine whether any conflicts or capacity issues actually exist (as American Whitewater had recommended), the USFS has instead spent untold amounts of time and money hypothesizing about conflicts and capacity issues that “might” occur.

Amazingly, out of more than 800 days of purportedly studying the Chattooga Headwaters in response to American Whitewater’s appeal of the boating ban, the USFS has only permitted (or studied) whitewater boating on the Headwaters on two days. On January 5-6, 2007, the USFS conducted a boating trial to determine whether whitewater boating remains an outstandingly remarkable form of recreation on the Chattooga Headwaters.<sup>3</sup> The results of that trial, as embodied in the relevant USFS study report, overwhelmingly confirm that whitewater

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<sup>3</sup> In connection with these comments, please consider the comments submitted by American Whitewater in connection with the USFS boating report, as well as the other American Whitewater comments referenced on Exhibit 2 hereto, which comments are incorporated herein for all purposes.

boating remains a viable, important and outstanding form of recreation on the Headwaters, and must therefore be protected and enhanced under the Wild and Scenic Rivers Act<sup>4</sup>:

- The Chattooga Cliffs Reach received an overall rating from paddlers of 6.4 on a scale of 1-7.
  - “The boaters found that the advantages of the Chattooga Cliffs reach include: incredible aesthetics, narrow canyon, waterfalls, challenging rapids, expedition-style boating more than a typical whitewater trip, and to be physically challenging.”
  - “The panel members stated there were no similar rivers with these characteristics in the region.”
  - “The boaters found Chattooga Cliffs to be a unique slot canyon.”
- The Ellicott Rock Reach received an overall rating from paddlers of 6.7 on a scale of 1-7.
  - “The boaters stated that the advantages of the Ellicott Rock run included: lots of read-and-run Class 4 ledges and boulder gardens, continuous rapids, no portages required, few scouts, great scenery, available at a broad range of flows, and an easy shuttle ... The boaters stated that overall the run is unique for its wilderness and other attributes...”
- The Rock Gorge Reach received an overall rating from paddlers of 6.5 on a scale of 1-7.
  - “The boater panel characterized advantages of the Rock Gorge/Nicholson run at these flows to include: exploratory wilderness feel, safe, easy rescues, easy portages, and that the hydraulics were not very powerful.”
  - “The boater panel members stated that important attributes of the run include: wilderness setting, aesthetics, little evidence of visitor use, beautiful canyon walls/cliffs, length (long), remote feel, and easy access.”
  - “The boaters considered the reach to be a very unique run...”

Restoration of boating access was also supported by the following conclusions reached by the boating study:

- The entire Upper Chattooga River is safely navigable and boatable
- The paddling experience provided by the Headwaters is truly outstanding and remarkable

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<sup>4</sup> Bulleted points from the: UPPER CHATTOOGA RIVER PHASE I DATA COLLECTION: EXPERT PANEL FIELD ASSESSMENT REPORT, February 2007, by Louis Berger Group.



- Existing river access is adequate to support public use, i.e. there is no need to create new parking, access points or trails to restore whitewater boating access
- Boating use is anticipated to be minimal, especially relative to other uses
- Boating use is anticipated to have no unique measurable impacts on the resource
- Boating use will potentially overlap with other recreational use on less than 20% of days, while actual backcountry encounters will occur on vastly fewer days still, i.e., restoration of unlimited whitewater boating access would not change the status quo *at all* 292 of 365 days out of the year
- On days with boatable flows, boaters are unlikely to see other users in the backcountry of the Headwaters, and other users are similarly unlikely to see boaters

In short, the boating study concluded that there is absolutely no justification for limiting, much less prohibiting, boating on any section of the Chattooga Headwaters.

#### **D. USFS Alternatives**

Having decided that sufficient data had been collected to make a new management decision on whitewater boating, on August 14, 2007, the USFS published a scoping letter containing a package of proposed management alternatives (“USFS Alternatives”) relating to the Headwaters. Notwithstanding that the boating trial unequivocally established that floating access remains a recreation value to be protected and enhanced on the Headwaters, five out of six proposed USFS Alternatives fail to protect or enhance whitewater boating. In fact, half of the alternatives (3 of 6) *completely ban* whitewater boating on all sections of the Headwaters, and two more completely ban boating on some sections of the Headwaters. To make matters worse, the proposed USFS Alternatives confusingly intermingle a host of other complex management issues with no semblance of order. For example, each of the six proposed USFS Alternatives attempts to tackle the issue of boating access along with the location and condition of official and user-created trails and campsites, trash, parking, woody debris, permitting for other recreation opportunities, and other management issues. American Whitewater addresses these and other deficiencies below in its critique of the proposed USFS Alternatives.

## **II. Critique of Proposed USFS Alternatives**

### **A. Problems Associated with all USFS Alternatives**

All of the proposed USFS Alternatives are deficient for the following reasons:

1. All alternatives must protect and enhance whitewater boating

Federal law requires the USFS to “protect and enhance” the values that caused the Chattooga Headwaters to be protected under the Wild and Scenic Rivers Act. The USFS was deficient in complying with applicable law between 1976 and 2004 because, during that time period, it banned one of the very outstanding recreation opportunities it was required to protect

and enhance: whitewater boating. The USFS has now found that the reason it was deficient in complying with applicable law is unknown because the public record relating to management during that period is insufficient and the anecdotal evidence collected is conflicting and in many cases unreliable.

Citing a handful of “unknowns,” such as *possible* problems with safety and solitude, the USFS again purported to ban boating on the headwaters in 2004. However, in 2005, the USFS Chief reversed the 2004 boating ban, reasoning: “After careful review of the record ... I am reversing the Regional Forester’s decision to continue to exclude boating on the Chattooga WSR above Highway 28. I find the Regional Forester does not provide an adequate basis for continuing the ban on boating above Highway 28. Because the record provided to me does not contain the evidence to continue the boating ban, his decision is not consistent with the direction in Section 10(a) of the WSRA or Sections 2(a) and 4(b) of the Wilderness Act or agency regulations implementing these Acts.”

More than two years and two million dollars later, the USFS has made two critical determinations related to boating: (1) the USFS’s January 2007 boating trial confirmed what Congress knew in the early 1970’s: whitewater boating remains a viable, important and outstanding recreation opportunity on the Chattooga Headwaters; and (2) there is no data indicating that any direct limits on whitewater boating are currently warranted (beyond general limits that might be placed on all users of the Headwaters corridor, such as group size and self-registration permitting).

Based upon the USFS’s own capacity analysis study, therefore, all alternatives relating to whitewater boating access must restore, protect and enhance whitewater boating on the Headwaters.

2. Alternatives should recognize high use frontcountry areas and low use backcountry areas as different

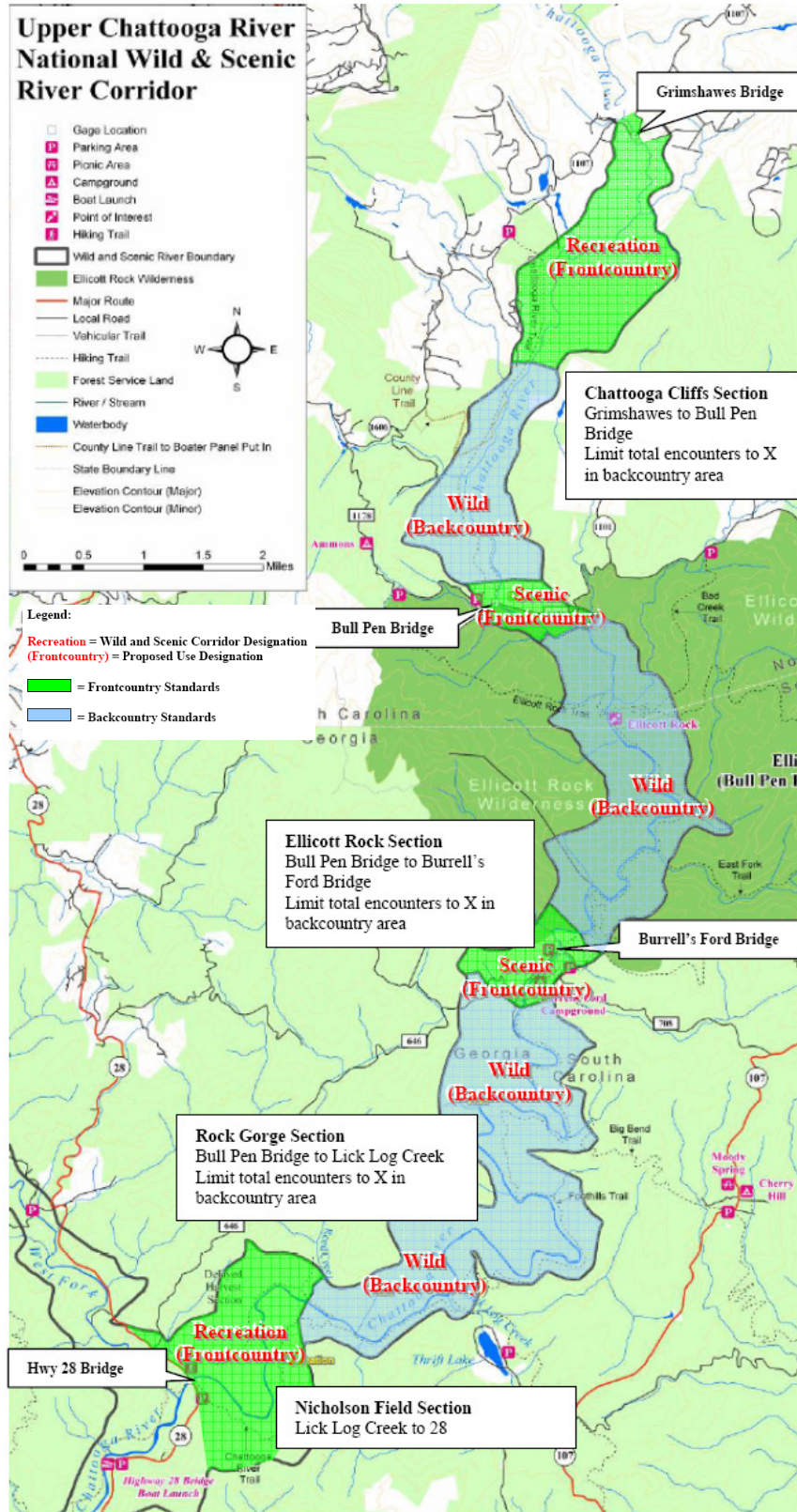
Several areas in the corridor have relatively high levels of use because of easy access, camping availability, and fisheries management designed to increase use. The USFS should recognize that the management goals, user expectations, standards, and capacities in these locations are different than backcountry areas. For example, visitors to a campground, bridge, or delayed harvest reach expect to see significantly more users than visitors to a backcountry area. We therefore propose that these higher use areas be delineated and managed differently than the rest of the corridor.

We propose higher use “frontcountry” areas at:

- Grimshawes Bridge, within the designated “Recreation” Wild and Scenic River Corridor;
- Bullpen Bridge, within the designated “Scenic” Wild and Scenic River Corridor;

- Burrell's Ford Bridge, within the designated "Scenic" Wild and Scenic River Corridor; and
- Within the designated "recreation" Wild and Scenic River Corridor more commonly referred to as the "Delayed Harvest Reach," ending at Highway 28.

These zones would be managed in a manner consistent with management elsewhere of access areas, campgrounds, and natural attractions. See Figure 2 below for a geographic representation of American Whitewater's proposed Frontcountry and Backcountry areas:



3. Alternatives must include a range of use limits for all users

Every USFS Alternative proposes inequitable limits on users without any basis. In fact, the USFS has not proposed a single alternative that treats whitewater boating as equal to all other wilderness compliant uses. In USFS Alternatives 1-5 paddling is limited more than all other uses. Even Alternative 6 limits group sizes for paddlers more than other users. There is no basis in the record for this distinction. Absent data demonstrating a need to directly limit a particular type of use, the USFS Chief has already directed the USFS to apply any use limits equitably among users: “If it becomes necessary to limit use, ‘ensure that all potential users have a fair and *equitable* chance to obtain access to the [Headwaters]’.” The USFS Chief also instructed the USFS as follows:

While there are multiple references in the record to resource impacts and decreasing solitude, these concerns apply to all users and do not provide the basis for excluding boaters without any limits on other users.

Therefore the manner in which the USFS Alternatives discriminatorily treat boating is inconsistent with the direction of the USFS Chief and is inconsistent with the federal law cited in the USFS Chief’s administrative appeal decision on this matter. Based upon the results of the Boating Study, boating is unquestionably an outstanding recreational use of the Headwaters that must be protected and enhanced.

4. Alternatives must be based on a capacity for all users and/or individual uses

How many anglers, hikers, boaters, campers, and swimmers are too many? Unless there are too many present, use should not be limited. Period. This core principal of recreational management is totally lost in the USFS Alternatives. Each alternative should clearly state capacities designed to provide different types of experiences, and propose actions for if and when those capacities are exceeded. The USFS Chief has also directed the USFS in this process to comply with the following USFS regulations: “limitation and distribution of visitor use should be based on “periodic estimates of capacity in the forest plan” (FSM 2323.14).”

5. Alternatives must include indirect limits prior to direct limits

USFS policy is clear that indirect measures of limiting use should be implemented prior to implementing direct measures. The USFS Chief has expressly instructed the USFS in this process as follows: “Agency policy for wilderness echoes law and policy relative to maximizing visitor freedom, directing that ‘direct controls and restrictions’ be minimized, and that controls are to be applied only as necessary to protect the wilderness resource after indirect measures have failed (FSM 2323.12).”

6. Alternatives, to the extent they address angling, must address stocking

The Integrated Report notes that over 70,000 exotic fish are stocked into the Chattooga River each year for recreational purposes, mostly in the Headwaters. This activity has been proven to have significant ecological impacts, as noted in our Comments on the Integrated

Report. The USFS cannot ignore this significant impact. There should be a range of alternatives regarding stocking, and the impacts of continued stocking should be assessed as part of every such alternative. The analysis must include the direct ecological impacts of stocking as well as the ecological and social impacts that result from increased recreational angling use caused by stocking.

7. Alternatives should consider impacts of management decisions on recreationists, equally with impacts those recreationists may have on one another

Imposing harsh limits on recreationists dramatically impacts those users. Paddlers' protected solitude and experience on the Upper Chattooga have been completely eliminated for more than thirty years. The proposed USFS Alternatives fail to adequately weigh the severity of total elimination of a protected use (on any portion of the Headwaters corridor) against the alleged impacts of that use on other users.

## **B. Problems Associated with Specific USFS Alternatives**

1. Deficiencies in USFS Alternative #1 (No-action alternative)

While the USFS may feel compelled to always include a "no-action" alternative in its NEPA processes, the USFS Alternative #1 is nevertheless unacceptable here because:

- It violates applicable law. As set forth in the USFS Chief's decision: "the Regional Forester's decision to continue to exclude boating on the Chattooga WSR above Highway 28 .... is not consistent with the direction in Section 10(a) of the WSRA or Sections 2(a) and 4(b) of the Wilderness Act or agency regulations implementing these Acts."
- The alternative will not support the USFS's stated desired conditions. By banning one of the primary intended recreational uses, the recreation ORV is not protected or enhanced. By eliminating all ORV's in the upper 1.7 miles of the river the ORV's are not protected. By eliminating boating, boaters' personal sense of solitude away from modern life is eliminated. The solitude felt while floating down a river is special and unique for those who seek it out. This alternative has NO protections for solitude because it has no encounter standards, monitoring, or controls. There is NO evidence that the presence of paddlers will significantly impact the solitude of other users in any unique way, and an overwhelming body of evidence that paddlers will not significantly or uniquely impact the solitude of others. The USFS does not provide a wilderness experience for paddlers – whose true Wilderness experience can only be achieved in a boat, through one of the most low-impact and intimate ways of interacting with nature. The USFS does not provide a true Wilderness experience for any users because boating is a core part of Wilderness where it is possible. The alternative fails to limit or monitor use to assure that Wilderness

encounter standards are maintained. This alternative has had proven detrimental effects to the scenery and setting including trash, huge campsites, erosion, user created trails, tree damage, riparian trampling, and the artificial stocking. This alternative has proven inadequate at protecting the natural resources that make this place special. Nothing in this alternative protects any of the desired conditions in the uppermost 1.7 miles of the corridor.<sup>5</sup>

- It confuses the issue of restoring boating access by including a random assortment of other management issues.
- Alternative 1 has prevented multiple generations from experiencing the Chattooga River from their canoes, kayaks and rafts. This management has had a devastating effect on Chattooga River paddlers – resulting in a 100% elimination of their experience for more than three decades. While existing users of the upper Chattooga River have had no limits imposed on their activities whatsoever – boating has been totally excluded. There is no basis for a capacity of zero paddlers on any or all sections of the upper Chattooga.
- Alternative 1 has resulted in a 12+ year conflict over the issue, and created one of the most contentious and costly river recreation management issues in history. Alternative 1 has failed every day for over 31 years.
- Alternative 1 fails to provide capacities for total use, capacities for all individual uses, or standards on which management actions will be based. Under Alternative 1, hiking, angling, and swimming could occur in vast numbers with no management triggers designed to protect the river or the recreational experience it provides. Without capacities and standards, Alternative 1 provides no guarantee of protection of the Chattooga's ORV's—and completely eliminates one of them (whitewater boating recreation).
- Alternative 1 fails to limit or treat wilderness compliant uses equitably as required by the USFS Chief's appeal decision.

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<sup>5</sup> “Throughout this process, the public has expressed agreement on their desire to protect and enhance the outstandingly remarkable values of the Chattooga River (geology, biology, scenery, recreation and history); maintain a sense of solitude away from modern life; offer a remote wilderness experience; preserve the spectacular scenery and setting; and protect the natural resources of the upper section of the Chattooga Wild and Scenic River that make this area a special and unique place. In the NEPA process, these goals collectively are called a “desired condition.” USFS Scoping Package, file code 1920-2

- Alternative 1 fails to “maximize visitor freedom in wilderness” as USFS policy demands. A ban on boating is the polar opposite of maximizing freedom.
- Alternative 1 fails to implement indirect use limitations prior to implementing the harshest possible direct limit on a single user group.
- Alternative 1 fails to protect any Outstanding Remarkable Values of the uppermost 1.7 miles of the Chattooga River. By banning boating, the alternative eliminates what may be the only option for protecting and enhancing recreation – *or any ORV* - in this reach because recreationists can only enjoy most of this reach by boat due to private property and geographic impediments. We remind the USFS that the Wild and Scenic studies and the congressional intent behind designation clearly intended that Grimshawes Bridge be the put-in for floating down the Chattooga River below that point. Figure 1, from the original USFS WSR studies reflects that fact. Alternative 1 thus fails to follow the congressional intent of designation and the USFS’s own description of the “recreation” ORV in this “recreation” designated river reach.<sup>6</sup> The USFS has the authority and many would argue the obligation to protect the scenic (i.e., riparian areas and other viewshed areas), water quality, and biophysical conditions in this reach.
- Alternative 1 is unnecessarily divisive in that it maintains gross inequities and entitlements.
- Alternative 1 fails to manage frontcountry and backcountry areas differently, with the exception of one small frontcountry location. The biophysical threats, acceptable biophysical conditions, encounter standards, and management activities differ between designated Wilderness, frontcountry areas, recreation river sections, and wild river sections.
- Alternative 1 is deficient for the reasons set forth in the section above entitled “*Problems associated with all proposed USFS Alternatives.*”

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<sup>6</sup> See also “In the management of the Chattooga River as a unit of the National Wild and Scenic River System, one objective will be to provide a recreation experience where a feeling of adventure, challenge, and physical achievement is dominant. In addition a maximum of outdoor skills, without comfort or convenience facilities will be provided. **To provide this experience, river access will be primarily by trail, including canoe launch sites. Only three points will have road access—Grimshawes Bridge, Highway 28 bridge, and Highway 76 Bridge**” emphasis added, from: USDA Forest Service—Southern Region. (1971). *Chattooga River as a Wild and Scenic River*.



## 2. Deficiencies in USFS Alternative #2

Alternative 2 is the only alternative that includes an actual standard that presumably reflects some concept of capacity. However, the 3 encounters per day standard is highly limiting and would trigger an all-user permit system almost immediately, especially if it was applied strictly on every day of the year. In theory this is a worthwhile concept to analyze, however there are significant problems with this alternative that render it unacceptable. Specifically:

- It violates applicable law. As set forth in the USFS Chief's decision: "the Regional Forester's decision to continue to exclude boating on the Chattooga WSR above Highway 28 .... is not consistent with the direction in Section 10(a) of the WSRA or Sections 2(a) and 4(b) of the Wilderness Act or agency regulations implementing these Acts."
- The alternative will not support the USFS's stated desired conditions. By banning one of the primary intended recreational uses, the recreation ORV is not protected or enhanced. By eliminating all ORV's in the upper 1.7 miles of the river the ORV's are not protected. By eliminating boating, boaters' personal sense of solitude away from modern life is eliminated. The solitude felt while floating down a river is special and unique for those who seek it out. There is NO evidence that the presence of paddlers will significantly impact the solitude of other users in any unique way, and an overwhelming body of evidence that paddlers will not significantly or uniquely impact the solitude of others. The USFS does not provide a wilderness experience for paddlers – whose true Wilderness experience can only be achieved in a boat, through one of the most low-impact and intimate ways of interacting with nature. The USFS does not provide a true Wilderness experience for any users because boating is a core part of Wilderness where it is possible.
- It confuses the issue of restoring boating access by including a random assortment of other management issues.
- Alternative 2 provides no boating opportunities on the Upper Chattooga. This management alternative would have a devastating effect on Chattooga River paddlers – resulting in a 100% elimination of their experience. There is no basis for a capacity of zero paddlers on any or all sections of the upper Chattooga.
- Alternative 2 would continue the 12+ year conflict over the ability of citizens to float the river, and one of the most contentious and costly river recreation management issues in history.
- Alternative 2 fails to limit or treat wilderness compliant uses equitably as is required by the binding and relevant Record of Decision.

- Alternative 2 fails to “maximize visitor freedom in wilderness” as USFS policy demands. A ban on boating is the polar opposite of maximizing freedom.
- Alternative 2 fails to implement indirect use limitations prior to implementing the harshest possible direct limit on paddlers and other direct limits on other users.
- Alternative 2 fails to protect *any* Outstanding Remarkable Values of the uppermost 1.7 miles of the Chattooga River. By banning boating, the alternative eliminates what may be the only option for protecting and enhancing recreation in this reach because recreationists can only enjoy most of this reach by boat due to private property and geographic impediments. We remind the USFS that the Wild and Scenic studies and the congressional intent behind designation (see figure 1) clearly intended that Grimshawes Bridge be the put-in for floating down the Chattooga River below that point.<sup>7</sup> Alternative 2 thus fails to follow the congressional intent of designation and the USFS’s own description of the “recreation” ORV in this “recreation” designated river reach. The USFS has the authority and many would argue the obligation to protect the scenic (i.e., riparian areas and other viewshed areas), water quality, and biophysical conditions in this reach.
- Alternative 2 is unnecessarily divisive in that it maintains gross inequities and entitlements.
- Alternative 2 fails to manage frontcountry and backcountry areas differently, with the exception of one small frontcountry location. The biophysical threats, acceptable biophysical conditions, encounter standards, and management activities differ between designated Wilderness, frontcountry areas, recreation river sections, and wild river sections.
- We are unsure of what “enhance woody debris recruitment” means specifically, however such a management objective could have significant negative ecological and recreational impacts. Active falling of trees into the river would damage vital riparian function, create stream bank erosion, threaten nearby trees to wind-throw and

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<sup>7</sup> See also “In the management of the Chattooga River as a unit of the National Wild and Scenic River System, one objective will be to provide a recreation experience where a feeling of adventure, challenge, and physical achievement is dominant. In addition a maximum of outdoor skills, without comfort or convenience facilities will be provided. **To provide this experience, river access will be primarily by trail, including canoe launch sites. Only three points will have road access—Grimshawes Bridge, Highway 28 bridge, and Highway 76 Bridge**” emphasis added, from: USDA Forest Service—Southern Region. (1971). *Chattooga River as a Wild and Scenic River*.

destabilization of roots, and leave unaesthetic stumps and cut logs in what should be a natural appearing stream. Use of chainsaws or other motorized equipment should not take place in the backcountry. Trees fallen intentionally into the river would also pose a serious risk of death to generations of anglers, swimmers, hikers, and boaters. We support the natural process of trees entering and exiting the river. We cannot support the unnatural addition of wood by human action to a fully functional, natural bedrock and boulder controlled channel with ample complexity and habitat.

- Alternative 2 is barely an alternative at all since the only other option is unlimited use by all non-paddler recreationists. If the USFS is going to analyze a standard of 3 encounters per day, they must also analyze a range of standards that should include at least standards of 6 and 10 encounters.
- We fully support the registration of all users in the W&S corridor. This information will be critical in future management decisions.
- We are not opposed to closing parking lots in the corridor although we see little need or value in doing so, except as a passive measure to limit use naturally.
- While Alternative 2 is aimed at limiting encounters, it also takes the same biophysical measures as Alternative 3 and others. Alternatives should be different.
- Alternative 2 is also deficient because the reasons set forth in the section above entitled “*Problems associated with all proposed USFS Alternatives.*”

### 3. Deficiencies in USFS Alternative #3

This is a radically flawed alternative. Alternative 3’s stated objective is to manage biophysical impacts, yet bans floating in the entire river while allowing all other uses to go unlimited and unchecked. This runs counter to all reason and counter to the record.<sup>8</sup> How does banning the lowest impact and smallest use while allowing all other uses to exist unlimited and untracked lead to strong biophysical protection?

Camping is unlimited yet has demonstrated biophysical impacts noted throughout the IR including ground clearing, vegetation damage, fire risk, soil compaction, erosion, human waste, wildlife attraction, and wildlife disturbance.

Hiking and angling are unlimited yet have demonstrated biophysical impacts including vegetation damage, riparian area clearing, soil compaction, user created trail creation,

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<sup>8</sup> The USFS Integrated Report (i.e. Capacity and Conflict on the Upper Chattooga River) states on page 57 that “It is relatively rare (because it is usually less effective) to address biophysical impacts through use limits.”

erosion, human waste, wildlife attraction, and wildlife disturbance. Furthermore, angling use is encouraged and enhanced through stocking of 70,000 exotic fish which likely have an enormous biophysical impact in and of themselves.

Yet, somehow, this alternative limits only floating use which has so little biophysical impact that it is anticipated to be scarcely measurable.

In addition, Alternative 3 is deficient because:

- It violates applicable law. As set forth in the USFS Chief's decision: "the Regional Forester's decision to continue to exclude boating on the Chattooga WSR above Highway 28 .... is not consistent with the direction in Section 10(a) of the WSRA or Sections 2(a) and 4(b) of the Wilderness Act or agency regulations implementing these Acts."
- Alternative 3 provides no boating opportunities on the Upper Chattooga. This management alternative would have a devastating effect on Chattooga River paddlers – resulting in a 100% elimination of their experience. There is no basis for a capacity of zero paddlers on any or all sections of the upper Chattooga.
- The alternative will not support the USFS's stated desired conditions. By banning one of the primary intended recreational uses, the recreation ORV is not protected or enhanced. By eliminating all ORV's in the upper 1.7 miles of the river the ORV's are not protected. By eliminating boating, boaters' personal sense of solitude away from modern life is eliminated. The solitude felt while floating down a river is special and unique for those who seek it out. This alternative has NO protections for solitude because it has no encounter standards, monitoring, or controls. There is NO evidence that the presence of paddlers will significantly impact the solitude of other users in any unique way, and an overwhelming body of evidence that paddlers will not significantly or uniquely impact the solitude of others. The USFS does not provide a wilderness experience for paddlers – whose true Wilderness experience can only be achieved in a boat, through one of the most low-impact and intimate ways of interacting with nature. The USFS does not provide a true Wilderness experience for any users because boating is a core part of Wilderness where it is possible. The alternative fails to limit or monitor use to assure that Wilderness encounter standards are maintained.
- Alternative 3 would continue the 12+ year conflict over the ability of citizens to float the river, and one of the most contentious and costly river recreation management issues in history.
- It confuses the issue of restoring boating access by including a random assortment of other management issues.

- Alternative 3 has no physical carrying capacity or standards for any user group and is therefore flawed.
- Alternative 3 fails to limit or treat wilderness compliant uses equitably as is required by the binding and relevant Record of Decision.
- Alternative 3 fails to “maximize visitor freedom in wilderness” as USFS policy demands. A ban on boating is the polar opposite of maximizing freedom.
- Alternative 3 does not track use to determine trends and therefore leaves biophysical resources at risk of overuse.
- Alternative 3 fails to implement indirect use limitations prior to implementing the harshest possible direct limit on paddlers.
- Alternative 3 fails to protect *any* Outstanding Remarkable Values of the uppermost 1.7 miles of the Chattooga River (including biophysical conditions). The USFS has the authority and obligation to protect the scenic (i.e., riparian areas and other viewshed areas), water quality, and biophysical conditions in this reach.
- Alternative 3 is unnecessarily divisive in that it maintains gross inequities and entitlements.
- Alternative 3 fails to manage frontcountry and backcountry areas differently, with the exception of one small frontcountry location. The biophysical threats, acceptable biophysical conditions, and management activities differ between designated Wilderness, frontcountry areas, recreation river sections, and wild river sections. This should be factored into any alternative.
- We are unsure of what “enhance woody debris recruitment” means as referenced in Alternative 3, however this alternative element could have significant ecological and recreational impacts. Active falling of trees into the river would damage vital riparian function, create stream bank erosion, threaten nearby trees to wind-throw and destabilization of roots, and leave unaesthetic stumps and cut logs in what should be a natural appearing stream. Use of chainsaws or other motorized equipment should not take place in the backcountry. Trees fallen intentionally into the river would also pose a serious risk of death to generations of anglers, swimmers, hikers, and boaters. While we support the natural process of trees entering and exiting the river, we cannot support addition of wood to a functional, natural, and largely bedrock and boulder controlled channel with ample complexity and habitat.